

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ZMCC PROPERTIES LLC,

Plaintiff,

v.

Case No. 19-12428

PRIMEONE INSURANCE COMPANY,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO COMPEL

Plaintiff ZMCC Properties LLC brings this action for breach of contract and reformation. (ECF No. 28, PageID.736-47.) Defendant PrimeOne Insurance Co. moves to compel Non-Parties Tom Jajo and Edition BC Owners, LLC, ("Edition") to comply with subpoenas Defendant issued on August 13, 2020, under Federal Rule of Civil Procedure 45. (ECF No. 47; ECF No. 47-2.)

Defendant filed its motion to compel on February 9, 2021. Non-Parties had fourteen days to file a response. See E.D. Mich. L.R. 7.1(e)(2)(B). The deadline expired on February 23, 2021, and no response was filed. Defendant's motion is well supported. Non-Parties do not present arguments in opposition, and the motion will be granted. See Fed. R. Civ. P. 37(a)(1), (3)(B)(iv).

Defendant seeks attorney fees incurred in filing its motion to compel. It cites Federal Rule of Civil Procedure 45(g):

The court for the district where compliance is required--and also, after a motion is transferred, the issuing court--may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

The court will order Plaintiff to file a bill of costs and account for its reasonable expenses, including attorney's fees, incurred in the filing of the motions to compel. It will also direct Defendant to file a proposed order for attorney fees under Rule 45(g). Non-Parties will be given the opportunity to file responses. Accordingly,

IT IS ORDERED that Defendant's "Motion to Compel Non-Parties' Compliance with Subpoena" (ECF No. 47) is GRANTED. Non-Parties Jajo and Edition are DIRECTED to produce all documents and information responsive to Defendant's subpoena (ECF No. 47-2) by **April 5, 2021**.

IT IS FURTHER ORDERED that Defendant is DIRECTED to serve Non-Parties Jajo and Edition with this order by **March 16, 2021**.

Finally, IT IS ORDERED that Defendant file a bill of costs and a proposed order by **March 19, 2021**. Non-Parties Jajo and Edition may file responsive briefs by **March 29, 2021**.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 10, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 10, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522